

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Fugh, Justina
Sent: Thur 2/23/2017 6:58:59 PM
Subject: response to your email
HOW TO REVIEW POLITICAL INVITATIONS.doc

Hi Ryan (you are so polite in your messages. It's quite lovely) –

Let's see (in reverse order):

- Yes, I consider that the email provided to Michelle to be given to you and the Administrator is sufficient. Did you want more? I typically provide advice by email as opposed to a formal memorandum each and every time. If you are feeling that you want more ... formality ... then I could learn to adapt to another process.

- National Association of Manufacturers, board meeting, Scottsdale, AZ (March 6-7) and CERA Week, Houston, TX (March 9)

The Administrator will be speaking in his official capacity, so subordinates can assist him with logistics, writing the speeches, etc. These are official trips, and I expect that Gail Davis (the Administrator's travel preparer) will make the travel arrangements.

Ethics Issues – if there are any “things of value” offered here (such as free registration, travel, rides, receptions or meals), then those are gifts that need ethics clearance in advance. What happened in the past is that the scheduling office would send to OGC/Ethics the agenda of the event and the Administrator's schedule in advance so we could look for any ethics/gift issues.

Turning to the two upcoming events, here's my quick assessment (without yet seeing the travel itinerary):

- Neither the NAM or IHS Markit (the sponsor of CERA Week) is itself a federally registered lobbyist, so we don't have to worry about the lobbying gift ban.
- If he's speaking, then he can attend on the day that he is speaking and not worry about a gift of free attendance if there is usually a registration fee for attendees. He can attend any of the events offered to all participants that day, including any meals. But something special, like a speakers' only dinner or VIP reception, will require an additional ethics review. Also, if he is going to be attending on days other than the day he's speaking, then we have to figure out

whether and how to accept any waived conference fee.

- If a non-federal entity is paying for any travel, including pick-up at the airport, for example, then those are gifts to be reviewed by OGC/Ethics first.

- □□□□□□□□ Republican Attorneys General Association dinner – this event does raise Hatch Act issues (because the sponsor is definitely partisan). So Mr. Pruitt may attend, of course, but he can't accept assistance from subordinates other than with the bare logistical services. He cannot be identified solely as the EPA Administrator nor honored for that position. Instead, RAGA may honor him for his previous service as the AG and to RAGA over the years. I can work with Gail Davis (the Administrator's travel preparer) to be sure that RAGA reimburses EPA for the cost of the travel (which will be very minimal since the event is in DC). Attached is a reminder about political events and the ground rules that can be shared with RAGA, either by you or me. I will need to know whom I can contact at RAGA in order to work out the billing.

Hope this helps,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Jackson, Ryan
Sent: Thursday, February 23, 2017 11:22 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: uh oh, I gave Ryan and the Administrator bad advice!

Thank you for this and understood.

I wanted to make you aware that the Administrator would like to attend the Republican Attorneys General Association dinner on Sunday night. Part of the program is honoring the Administrator and new Alabama Senator Luther Strange for their AG work and new roles in the EPA and US Senate. This event is in DC.

He plans to speak to the National Association of Manufacturers at their periodic board meeting in Scottsdale, Arizona March 6-7.

He plans to speak at CERA Week in Houston March 9.

What information do you need in order to evaluate these events.

Also, were you could to provide a memo on CPAC or did the previous email suffice?

Thank you.

From: Fugh, Justina
Sent: Wednesday, February 22, 2017 2:56 PM
To: Hale, Michelle <hale.michelle@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: uh oh, I gave Ryan and the Administrator bad advice!

Hi Michelle,

I am writing to you so that you can please alert Ryan and the Administrator to the fact that I gave them incorrect Hatch Act advice. Mr. Pruitt will be speaking at CPAC on Saturday, and I had mistakenly determined that it is a political event. Earlier today, I confirmed with the Office of Special Counsel (the independent federal agency that interprets and enforces the Hatch Act) that they do not consider CPAC to be partisan. So it will be okay for the Administrator to attend the event in his official capacity, to be introduced as the EPA Administrator, and to allow subordinates to assist him with the event and in writing his speech for the event. I will be sure that the travel preparer realizes that this event is official, not political, and that EPA dollars can be spent in connection with the event.

I am very sorry for any inconvenience I have undoubtedly caused, but you know, it is easier to open the faucet from a dribble than to try to stop a gusher.

Cheers,

Justina

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